



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/584,610

05/31/00

NERENBERG

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NERE-2842

005409

TM02/0906

EXAMINER

ARLEN L. OLSEN

SCHMEISER, OLSEN & WATTS

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SUITE 201

LATHAM NY 12110

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ART UNIT

PAPER NUMBER

2166

DATE MAILED:

09/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/584,610

Applicant(s)

NERENBERG ET AL.

Examiner

Sam Rimell

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-10, 12-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 12, 14, -17 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 13 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: ____.

SAM RIMELL
PATENT EXAMINER
AU 2166

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-8, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Official Notice of the Examiner.

Claim 1: Examiner takes Official Notice that it was known in the art at the time of invention to conduct plays or movies with actors in a scene in which a first actor is speaking to a second actor who is displayed in a coffin. Both actors are living persons. The action of the scene is directed by a director.

An example of a play would be Romeo and Juliet written by Shakespeare, in which Romeo observes Juliet in a state of death on an open display stand and speaks to Juliet. An example of a movie or screenplay would be the movie "Mommy Dearest" (Paramount Pictures, released 1981) in which a first actress portraying Christina Crawford spoke to a second actress portraying Joan Crawford, who was displayed in an open coffin. In both the play and the movie, the actors operated under the direction of a director.

However, these are only examples, and examiner maintains that it is well known to depict scenes in which actors speak to other actors displayed in a coffin, under the direction of a director.

Claim 4: The director instructs the first actor to speak to the second actor regarding an emotion.

Claim 5: The director is the facilitator.

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Claim 6: No patentable weight can be attributed to the professional qualifications of the director. The professional qualifications of individuals conducting a method do not limit the method itself.

Claim 7: An open coffin will inherently include a pillow displayed.

Claim 8: A coffin inherently includes two sections, and can either be fully opened with both sections opened, or partially opened with only the upper section open.

Claim 12: In both the cases of Romeo and Juliet, and the movie "Mommy Dearest", the verbal expressions from the actor outside the coffin pertain to emotions including appreciation and regret.

Claims 14-17: An actor portraying a scene in front of a coffin will be portraying a moment of despair. The actors are trained or conditioned to act out feelings of despair while the scene is underway. The trigger for this is the beginning of the action for a scene. What the actors are actually thinking in their minds and what thoughts they are producing cannot be attributed patentable weight.

Claims 9, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-21 are allowed.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'Sam Rimell', is positioned above the printed name and title.

Sam Rimell
Primary Examiner
Art Unit 2166